

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETER MCNEFF,
Plaintiff,

v.

PLEASANTON POLICE DEPARTMENT,
et al.,
Defendants.

Case No. 23-cv-00106-AMO

**ORDER RE SUPPLEMENTAL
BRIEFING**

Re: Dkt. No. 48

Before the Court is Defendants' motion to dismiss the Second Amended Complaint ("SAC"). The Court is inclined to grant the motion and dismiss the case with prejudice, as two significant portions of the SAC are currently supported by little more than conclusory allegations. Specifically, McNeff alleges that Chief Swing "knew, or reasonably should have known" about the sources of certain complaints made against McNeff. *See, e.g.*, SAC ¶¶ 14-17. Similarly, McNeff alleges that the City Manager simultaneously delegated authority to Chief Swing and ratified Chief Swing's decision to fire McNeff. *See* SAC ¶ 23. Both groups of allegations lack factual context or support. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) ("Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.").

Therefore, the Court **ORDERS** Plaintiff to submit a brief of no more than three (3) pages describing what factual detail, if any, he could add in support of these two groups of allegations if permitted leave to amend further. Plaintiff shall file his brief within seven days from the date of this order. Defendant may file a response, also not to exceed three pages, within seven days after Plaintiff's filing.


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The Court **VACATES** the hearing set for May 30, 2024.

IT IS SO ORDERED.

Dated: May 29, 2024


ARACELI MARTÍNEZ-OLGUÍN
United States District Judge

United States District Court
Northern District of California